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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,102	04/24/2001	John D. DeTreville	MSI-718US	1064
22801	7590	08/17/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 08/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/843,102	DETREVILLE, JOHN D.
Examiner	Art Unit	
Matthew T Henning	2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 April 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-57 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 24 April 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

This action is in response to the communication filed on 04/24/2001.

### **DETAILED ACTION**

1. Claims 1-57 have been examined.

#### ***Title***

2. The title of the invention is acceptable.

#### ***Priority***

3. No claim for priority has been made for this application.
4. The effective filing date for the subject matter defined in the pending claims in this application is 04/24/2001.

#### ***Drawings***

5. The drawings filed on 04/24/2001 are acceptable for examination proceedings.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 41-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 41 recites the limitation "the portion of media content" in lines 3 and

5. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 45 recites the limitation "the portion of media content" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

10. Claims 42-44 are rejected by virtue of their dependency on claim 41.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

12. Claims 1-57 are rejected under 35 U.S.C. 102(e) as being anticipated by

van Zoest et al. (U.S. Patent Number 6,496,802) hereinafter referred to as van

Zoest.

13. Claim 1 recites a system comprising: a source database (See van Zoest

Fig. 1 Element 135) storing a plurality of highly compressed content pieces (See

van Zoest Col. 8 Paragraph 3 and Col. 7 Paragraph 6); and a content player

(See van Zoest Fig. 11), coupled to the source database (See van Zoest Col. 18

Paragraphs 4-5, Col. 19 Paragraph 1, and Col. 11 Paragraphs 2-3), including, an

interface to receive a subset of the plurality of highly compressed content pieces

from the source database (See van Zoest Col. 11 Paragraph 3), a storage device

to store the subset (it was inherent that when the content was downloaded it was

stored in order to play the content as disclosed above), a comparator to compare the subset to content and determine whether the content matches any of the plurality of highly compressed content pieces in the subset (See van Zoest Col. 5 Paragraph 3 Lines 7-12), and a resolver to take particular action in response to the comparator indicating the content matches one of the plurality of highly compressed content pieces in the subset (See van Zoest Col. 5 Paragraph 3 Lines 1-6, and 12-15).

14. Claim 2 recites that the comparator is to compare the subset to content being played by the content player (See van Zoest Col. 15 Paragraph 4 and Col. 16 Paragraphs 3-4).

15. Claim 3 recites that the content player is coupled to the source database via the Internet (See Van Zoest Col. 19 Paragraph 2).

16. Claims 4-6 recite that the plurality of highly compressed content pieces comprise a plurality of highly compressed audio, video, and audio/video pieces (See van Zoest Col. 5 Paragraph 2).

17. Claim 7 recites that the interface is further to subsequently communicate with the source database, retrieve a new subset of the plurality of highly compressed content pieces from the source database, and replace the subset in the storage device with the new subset (See van Zoest Col. 2 Paragraph 5 wherein it was disclosed that the content was streamed to the user and it was therefore inherent that the newly streamed data replaced the older streamed data).

18. Claim 8 recites a content source coupled to the content player, and wherein the content player further comprises a compressor to receive content from the content source, generate a highly compressed content piece based on the received content, and add the generated highly compressed content piece to the subset in the storage device (See van Zoest Col. 15 Paragraph 2 wherein the user uploads the content to the server, and Col. 7 Paragraph 6).

19. Claim 9 recites that the storage device is further to store a plurality of licenses identifying content that a user of the content player is authorized to playback, and wherein the particular action comprises the resolver checking whether one of the plurality of licenses corresponds to the content (See van Zoest Col. 11 Paragraph 5 Line 11 – Col. 12 Paragraph 1).

20. Claim 10 recites that the plurality of highly compressed content pieces in the subset further indicates whether one of the plurality of licenses is required for playback of the content (See van Zoest Col. 11 Paragraph 5).

21. Claim 11 recites that the storage device is further to store the content (See van Zoest Col. 5 Paragraph 5).

22. Claim 12 recites a content source, coupled to the content player, from which the content is received (See Van Zoest Fig. 1 Element 150 and Col. 6 paragraph 3).

23. Claim 13 recites that the content player receives the content from the content source in its entirety before playback of the content begins (See van Zoest Abstract wherein it was disclosed that the content was downloaded).

24. Claim 14 recites that the comparator determine whether the content matches any of the plurality of highly compressed content pieces in the subset by comparing a first set of feature values associated with each of the plurality of highly compressed content pieces with a second set of feature values associated with the content, and checking whether at least a threshold number of the first set of feature values is within threshold distance of is to the second set of feature values (See van Zoest Figures 5-6 and Col. 15 Paragraph 2).

25. Claim 15 recites that the first set of feature values and the second set of feature values each comprises a set of audio energy features (See van Zoest Figures 5-6 and Col. 16 Paragraph 2).

26. Claim 16 is rejected for the same reasons as claim 1 above.

27. Claim 17 is rejected for the same reasons as claim 2 above.

28. Claim 18 is rejected for the same reasons as claim 1 above.

29. Claim 19 is rejected for the same reasons as claim 9 above.

30. Claim 20 is rejected for the same reasons as claim 11 above.

31. Regarding claim 21 and 22, van Zoest disclosed acquiring content from CDs (See van Zoest Col. 6 Paragraph 3 and Fig. 1).

32. Claim 23 is rejected for the same reasons as claim 1 above.

33. Claim 24 is rejected for the same reasons as claim 8 above.

34. Claim 25 is rejected for the same reasons as claim 14 above.

35. Claim 26 is rejected for the same reasons as claim 15 above.

36. Regarding claim 27, van Zoest disclosed the players being portable (See van Zoest Col. 4 Paragraph 1).

37. Claim 28 is rejected for the same reasons as claim 10 above.
38. Claim 29 is rejected for the same reasons as claim 1 above.
39. Regarding claim 30, van Zoest disclosed the media being a song (See van Zoest Col. 2 Paragraph 2).
40. Regarding claim 31, van Zoest disclosed the media being a movie (See van Zoest Col. 2 Paragraph 2).
41. Claim 32 is rejected for the same reasons as claim 2 above.
42. Claim 33 is rejected for the same reasons as claim 1 above.
43. Claim 34 is rejected for the same reasons as claim 1 above.
44. Claim 35 is rejected for the same reasons as claim 7 above.
45. Claim 36 is rejected for the same reasons as claim 8 above.
46. Claim 37 is rejected for the same reasons as claim 9 above.
47. Claims 38 and 39 are rejected for the same reasons as claims 14 and 15 above.
48. Claim 40 is rejected for the same reasons as claim 1 above and further because van Zoest disclose the use of software to accomplish these tasks (See van Zoest Col. 13 Paragraph 6).
49. Claim 41 is rejected for the same reasons as claim 1 above.
50. Claim 42 is rejected for the same reasons as claim 7 above.
51. Claim 43 is rejected for the same reasons as claim 1 above.
52. Claim 44 is rejected for the same reasons as claim 8 above.
53. Claim 45 is rejected for the same reasons as claim 11 above.

54. Claim 46 is rejected for the same reasons as claims 1 and 15 above and further because van Zoest disclosed that for some content a match was not required in order to access the content (See van Zoest Col. 11 Paragraph 5).

55. Claim 47 is rejected for the same reasons as claims 4-6 above.

56. Claim 48 is rejected for the same reasons as claim 1 above.

57. Claim 49 is rejected for the same reasons as claim 7 above.

58. Claim 50 is rejected for the same reasons as claim 8 above.

59. Claim 51 is rejected for the same reasons as claim 14 above.

60. Claim 52 is rejected for the same reasons as claim 15 above.

61. Claim 53 is rejected for the same reasons as claims 1, 8, and 15 above.

62. Claim 54 is rejected for the same reasons as claim 15 above (See Figs. 5 and 6).

63. Claim 55 is rejected for the same reasons as claim 15 above.

64. Claim 56 is rejected for the same reasons as claim 1 above.

65. Regarding claim 57, van Zoest disclosed that the client computer conducted the comparisons (See van Zoest Col. 13 Paragraph 6). It was inherent that the client computer stored the comparison information in order to have performed the comparison.

### ***Conclusion***

66. Claims 1-57 have been rejected.

67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Roberts et al. (U.S. Patent Number 5,987,525) disclosed a system for synchronizing content played complementary to a musical recording.
- b. Wiser et al. (U.S. Patent Number 6,385,596) disclosed a system for secure online music distribution involving licenses.
- c. Yankowski (U.S. Patent Number 6,388,957) disclosed a system for identifying a CD in order to display information about the CD during playback.
- d. Bharat (U.S. Patent Number 6,577,735) disclosed a system for creating backup copies of compressed audio for playback on a portable audio player.

68. Please direct all inquiries concerning this communication to Matthew Henning whose telephone number is (703) 305-0713. The examiner can normally be reached Monday-Friday from 9am to 4pm, EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's acting supervisor, Ayaz Sheikh, can be reached at (703) 305-9648. The fax phone number for this group is (703) 305-3718.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



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